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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor Application of: Darst et al.

Serial No.: 09/782,714

Filing Date: February 13, 2001

For: *A Crystal of Bacterial Core RNA Polymerase*

) Attorney Docket No.: IPT-11.02  
)  
)

) Art Unit: 1631  
)  
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) Examiner: M. Borin  
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Certificate of First Class Mailing

I hereby certify that the instant "*Response to Restriction Requirement*" is being deposited on the date set forth below with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

April 3, 2003  
Date of Signature and Mail Deposit

By: Kerry Richard

Commissioner for Patents  
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the outstanding Restriction Requirement of December 18, 2002, Applicants provisionally elect, with traverse, Group I, claims 1-8. However, it is respectfully submitted that examination of all claims simultaneously would place no undue burden on the Examiner. The Applicants respectfully point out that examination of the claims of Group II (claims 21-22) necessarily entail a search of the subject matter of Group I, and therefore submit that the examination of Groups I and II together present no significant burden over the examination of Group I alone.

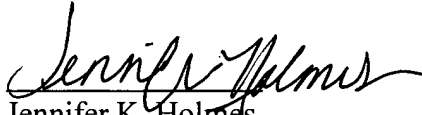
For a restriction requirement to be valid, the Examiner must establish that the search and examination of the entire application cannot be made without serious burden (M.P.E.P § 803). Accordingly, Applicants respectfully request examination of all claims simultaneously.

Further, the Applicants, with traverse, respectfully elect the species described in claim 5 as required by 35 U.S.C. § 121. Applicants provisionally submit that claims 1-8 read, at least in part, on the species elected. The Applicants expressly reserve the right to prosecute species not elected herein in other patent applications claiming the benefit of the filing date of this application. Furthermore, the Applicants understand that upon allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of any allowed generic claims.

Any questions raised by this submission may be directed to the undersigned at (617) 832-1770. The Commissioner is hereby authorized to charge any underpayments, or credit any overpayments, to our **Deposit Account No. 06-1448**. Please note that Applicants claim Small Entity Status, and any fees should be charged accordingly.

Respectfully submitted,  
FOLEY HOAG

April 3, 2003  
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